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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,251	11/17/2003	Michael Richard Barrett	03292.101830.	6490
66569	7590	03/17/2009	EXAMINER	
FITZPATRICK CELLA (AMEX)				TRUONG, CAM Y T
30 ROCKEFELLER PLAZA		ART UNIT		PAPER NUMBER
NEW YORK, NY 10112		2169		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,251	BARRETT ET AL.	
	Examiner	Art Unit	
	Cam Y T. Truong	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 7, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 7-8, 10-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1-5, 7-8, 10-13 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 7-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued on pages 7-8 that "assign a negative weight for a particular series of unsuccessful transactions by an identity associated with account that exceeds a sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by identify associated with account," as recited in claim 1 and "assigning a negative weight for a particular series of unsuccessful confirmations of the relationships between [the] user identity with [the] account that is greater than a sum of individual negative weights of unsuccessful confirmations of the relationships that make up the particular series of unsuccessful confirmations of the relationships between [the] user identity with [the] account," as recited in claim 13" are disclosed in the paragraph 00040, 0011 and 0039.

Examiner respectfully disagrees. The term "individual negative weightings" in paragraph 0040 are not " a sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by said identify associated with said account". Clearly, the limitation "assign a negative weight for a particular series of unsuccessful transactions by an identity associated with said account that exceeds a sum of individual negative weights of unsuccessful transactions"

in claim 1, was not described in the paragraph 0040, 0011 and 0039 of specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor.

The term “individual negative weightings” in paragraph 0040 are not “a sum of individual negative weights of unsuccessful confirmations of the relationships that make up the particular series of unsuccessful confirmations of the relationships between said user identity with said account”. Clearly, the limitation “assigning a negative weight for a particular series of unsuccessful confirmations of the relationships between said user identify with said account that is greater than a sum of individual negative weights of unsuccessful confirmations of the relationships ” in claim 13 was not described in the 0040, 0011 and 0039 of specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor.

Clearly, the 112 rejection for claims is proper. Thus, the 112 rejection for claims 1-6, 7-8 and 10-13 is maintained in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 13 is rejected under 35 U.S.C. 101 because: the claim 13 recites the mental steps that do not tied to statutory class (such as a particular apparatus).

In particular, a method claim would not qualify as a statutory process would be a claim that recited purely metal steps. Thus, to qualify as a 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5, 7-8, 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation "assign a negative weight for a particular series of unsuccessful transactions by an identity associated with account that exceeds a sum of individual negative weights of unsuccessful transactions" in claim 1, was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor.

The limitation "assigning a negative weight for a particular series of unsuccessful confirmations of the relationships between said user identity with said account that is greater than a sum of individual negative weights of unsuccessful confirmations of the relationships" in claim 13 was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor.

Claims 2-5, 7-8, 10-12 are rejected under same reason as discussed in claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as **Bansal**) in view of Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**), and Perfit et al (or hereinafter "**Perfit**") (US 6535728).

As to claim 1, **Bansal** teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where “user identities” is read on “user profiles”) comprising:

- a computer readable storage medium (as a memory see paragraph 0447) for storing an executable program, the program including a plurality of components, the components (paragraphs 0017, 0005, 0025);
- a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);
- an ownership component (see paragraph 156, where “ownership” is read on “membership”) configured to facilitate verification of an ownership of an account and to facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474, where “verification of ownership” is read on “verifying the identity of an entity”, and controlling access by the entity”);
- an audit component (see paragraphs 80 and 99) configured to facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where “verifying the integrity” is read on “ensuring transaction integrity”) based on a hierarchical process (see paragraphs 66, 355, and 421);
- a servicing component configured to facilitate maintaining and modifying information relating to said identity (the application is permitted to interface with the registration service to update identify information; modifying profile information;

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user's core identify information. Identify information includes a name, contact information, address, organization unit, see paragraph 0368, 0351, 0359. The application includes components see paragraph 0017).

Bansal does not teach including determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account;

assign a positive weight for a successful transaction by an identity associated with said account;

assign a negative weight for an unsuccessful transaction by an identity associated with said account; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

Candella teaches including determining a usage history of said identity (see paragraphs 53-55) based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account (see paragraphs 13, 43, 45, 49, 58, and 59);

assigning a positive weight (see paragraphs 32 and 41) for a successful transaction by an identity associated with said account (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful transaction by an identity associated with said account (see paragraphs 13 and 49); and

aggregating said positive and negative weights (see paragraph 58) to determine the likelihood a claimed identity is the owner of said account (see paragraph 30, where “the likelihood a claimed identity is the owner of said account” is read on “the probability that the purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph 49.”)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal by the teachings of Candella, because determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account, would ensure the integrity of a user (identity) with an account that the user (identity owner) claims to be his/her account, and would prevent unauthorized access to an account by users who do not successfully provide a correct answer, while allowing users who successfully provide a correct answer, to access their accounts; **and** because assigning a positive weight for a successful transaction by an identity associated with said account; assigning a negative weight for an unsuccessful transaction by an identity associated with said account; and aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account, would assist the system in “determining the risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a ticket or enter a location 21, is not who they claim to be”, as taught by Candella in paragraph 28 and figures 2A-2B, and it would enable the

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system “to determine the probability that the purchaser is using another purchaser's identity in a fraudulent manner”, as taught by Candella in paragraph 30.

Bansal as modified, still does not teach: assign a negative weight for a particular series of unsuccessful transactions by an identity associated with said account that exceeds a sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by said identity associated with said account.

Perfit teaches Fig. 3 shows the data records. Elements of each event 250 are fields within a database record of a subscriber. An ID is associated with record. Each event includes a weight or score. The alert score is sum of a primary score 290 of events (fig. 3, col. 7, lines 55-67; col. 8, lines 1-35). An investigation queue of open investigations is maintained, which includes each subscriber/account having an alert score 288 meeting or exceeding the alert threshold (col. 9, lines 35-55). Events that are identified by Subscribers' Ids are represented as unsuccessful transactions.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal as modified, by the teaching of Perfit, because including assign a negative weight for a particular series of unsuccessful transactions by an identity associated with said account that exceeds a sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by said identity associated with said account., would enable the system to protect subscriber database records by executing

programs to examine changes to account information received from the provisioning loader over the data network for fraud risks and further examine data the data to detect possible fraud (Perfit, col. 5, lines 40-55).

As to claim 2, Bansal as modified, teaches wherein:
said servicing component (see Benson, paragraphs 55-57) is further configured to be operated by users (see Benson, paragraphs 21, 25 and 74, and see Bansal, paragraphs 18 and 215.)

As to claim 3, Bansal as modified, teaches wherein:
said servicing component (see Benson, paragraphs 55-57) is further configured to be operated by one or more customer service representatives (see Benson, paragraphs 25 and 74, where “customer service representative” is read on “administrator”, and see Bansal, paragraphs 41, 70, and 239.)

As to claim 4, Bansal as modified, teaches wherein:
said ownership component (see Bansal, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of a user id (see Bansal, paragraphs 349 and 477.)

As to claim 5, Bansal as modified, teaches wherein said ownership component is further configured for:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571);
and

generating questions to be asked of a user to verify the identity of said user (see
Bansal, paragraphs 351, 395, and 616.)

As to claim 7, **Bansal** as modified, teaches wherein:
said ownership component (see **Bansal**, paragraph 156, where “ownership” is
read on “membership”) is further configured to facilitate confirming the ownership of
an account (see **Bansal**, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is
further configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571);
and
generating questions to be asked of a user to verify the identity of said user (see
Bansal, paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:
said audit component (see **Bansal**, paragraphs 80 and 99) is configured to
facilitate periodic confirmation of ownership information from said user (see **Bansal**,
paragraphs 35, 80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information (see **Bansal**, paragraphs 349 and 474-477.)

As to claim 12, **Bansal** as modified, teaches wherein said information from said users comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**) in view of French et al. (U.S. Publication No. 2003/0033526 A1, hereinafter referred to as **French**.) and Perfit et al (or hereinafter “Perfit”) (US 6535728).

As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

at least one computer (see paragraphs 34 and 60);
assigning a positive weight (see paragraphs 32 and 41) for a successful confirmation of the relationships between said user identity and said account (see paragraph 49, where “successful confirmation” is read on “successful answering”; and see “correct answers” in paragraph 56-59);
assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful confirmation of the relationships between said user identity with said account (see

paragraphs 13 and 49, where “unsuccessful confirmation” is read on “incorrect answers”); and

aggregating said positive and negative weights (see paragraph 58) to determine the usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where “usage history of the user identity” is read on “name/address record has been matched within the *preselected period*.”)

Candella does not explicitly teach:

determining a likelihood said user is correctly associated with said user identity;

using said likelihood with a hierarchical scheme of registration to allow or deny access to said user to different systems associated with said account.

However, French teaches determining a likelihood said user is correctly associated with said user identity; and using said likelihood with a hierarchical scheme of registration to allow or deny access to said user to different systems associated with the account (a system and method for authenticating users on networks (see Abstract), in which he teaches determining a likelihood said user is correctly associated with said user identity (see paragraph 73); and using said likelihood with a hierarchical scheme of registration (see paragraph 58) to allow or deny access to said user to different systems associated with the account (see paragraphs 24 and 69)).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Candella by the teachings of

French, because doing so would result in a more secure and efficient access control mechanism, via which the system could verify if the user is the person he/she claims to be and based on the results of this validation grant or deny access to the user account, thereby preventing unauthorized access to users' accounts.

Candella as modified, still does not teach: assigning a negative weight for a particular series of unsuccessful confirmations of the relationships between said user identity with said account that is greater than a sum of individual negative weights of unsuccessful confirmations of the relationships that make up the particular series of unsuccessful confirmations of the relationships between said user identity with said account.

Perfit teaches Fig. 3 shows the data records. Elements of each event 250 are fields within a database record of a subscriber. An ID is associated with record. Each event includes a weight or score. The alert score is sum of a primary score 290 of events (fig. 3, col. 7, lines 55-67; col. 8, lines 1-35). An investigation queue of open investigations is maintained, which includes each subscriber/account having an alert score 288 meeting or exceeding the alert threshold (col. 9, lines 35-55). Events that are identified by Subscribers' Ids are represented as unsuccessful transactions.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal as modified, by the teaching of Perfit, because including assign a negative weight for a particular series of unsuccessful transactions by an identity associated with said account that exceeds a

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sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by said identity associated with said account., would enable the system to protect subscriber database records by executing programs to examine changes to account information received from the provisioning loader over the data network for fraud risks and further examine data the data to detect possible fraud (Perfit, col. 5, lines 40-55).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/

Primary Examiner, Art Unit 2169